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August 2, 2021

The Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Frank Brunckhorst III v. Eric Bischoff et al., Case No. 1:21-cv-04362-JPC

Dear Judge Cronan:

We represent Plaintiff Frank Brunckhorst III ("Plaintiff") in the above-referenced action. Pursuant to Rule 4.B of Your Honor's Individual Rules, we submit this letter-motion seeking to file under seal Plaintiff's August 2, 2021 letter ("Response Letter") responding to the July 30, 2021 pre-motion letter (Dkt. 47) (the "Trustees' Letter"), submitted by Defendants Richard Todd Stravitz and Susan Stravitz Kemp (the "Trustees").

We respectfully submit that Plaintiff's Response Letter should be filed under seal, because it summarizes and quotes from a confidential provision of the 1991 Boar's Head Shareholder's Agreement (the "Shareholder's Agreement"). As previously set forth in Plaintiff's letter concerning redactions to the Complaint (Dkt. 24) (applying *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006)), the Shareholder's Agreement contains a confidentiality designation on both the cover page and first page of the Agreement, and it also involved certain non-parties to the lawsuit (who have previously kept such information confidential). The Court previously entered an Order allowing certain information relating to Shareholder's Agreement to remain redacted (Dkt. 29). Consistent with that Order, the parties have previously treated the Agreement as confidential. *See* Dkt. 47 (redacted version of the Trustees' Letter); Dkt. 48 (letter from Defendant Eric Bischoff, stating that he is filing his Answer, Counterclaim, and Cross-claim under seal). Plaintiff has prepared a narrowly-redacted version of his Response Letter, attached to this letter-motion. These narrow redactions are limited to the confidential terms of the Shareholder's Agreement, and also are consistent with Plaintiff's previous redactions to the Complaint (Dkt. 1) and the redactions applied by other parties. Dkt. 47 (Trustees' Letter); Dkt. 49 (Defendant Bischoff's Answer, Counterclaim, and Cross-claim). The unredacted portions of the Response Letter provide sufficient information for the public to ascertain the nature, scope, and facts of the parties' dispute.

For the foregoing reasons, it is respectfully submitted that Plaintiff's Response Letter should be filed under seal, and the narrowly redacted version of the letter filed on the public docket.¹

Respectfully submitted,

/s/ Stephen R. Neuwirth

Stephen R. Neuwirth

This request is granted.

SO ORDERED.

Date: August 2, 2021

New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN

United States District Judge

¹ Plaintiff understands that Your Honor's Individual Rules require a meet and confer prior to filing under seal. However, Plaintiff has not had an opportunity to meet and confer with the other parties to the above-captioned action, or with the other parties to the Shareholder's Agreement, concerning his proposed redactions, because Plaintiff prepared his response letter over the weekend. The Trustees' Letter was filed on Friday evening, July 30, 2021, and Plaintiff is filing his Response Letter this morning, Monday, August 2, 2021. As set forth above, however, Plaintiff's proposed redactions are consistent with Plaintiff's previous Court-approved redactions to the Complaint as well as the other parties' recent filings, as detailed above.